Ordinance No. 121063

Council Bill No. 114434

Concerning inquiries by Seattle City officers and employees into immigration status, and activities designe to ascertain such status; and amending Seattle Municipal Code Chapter 4.18 in connection therewith.

CF No. _____

Date Introduced: DEC - 9 2002	
Date 1st Referred: DEC - 9 2002	To: (committee) Neighborhoods, Arts & Civil Rights Committee
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: 1-27-03	Full Council Vote: 9-0
Date Presented to Mayor: 1-28-03	Date Approved: 2/1/03
Date Returned to City Clerk: 2/1/03	Date Published: 2/6 T.O. ____ F.T. ✓
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattl

Council Bill/Ordina

Pass 3-0

12-16-02 Held

1-21-03 Held 1w

1-27-03 Passed As Amend

This file is complete and ready

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: LICATA

Councilmember

Committee Action:

Rec 3-0 NL, RC, JC 12/10/02

12-16-02 Held

1-2-03 Held 1 week

1-27-03 Passed 9-0 As Amended

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed

NL/LH/td
114436a.doc
Date: January 27, 2003
V #4

ORDINANCE 121063

AN ORDINANCE concerning inquiries by Seattle City officers and employees into immigration status, and activities designed to ascertain such status; and amending Seattle Municipal Code Chapter 4.18 in connection therewith.

WHEREAS, the city of Seattle is comprised of immigrants from throughout the world who contribute to Seattle's social vivacity and cultural richness; and

WHEREAS, Seattle has been a city that traditionally respects the rights of and provides equal services to all individuals, regardless of race, ethnicity, or immigration status; and

WHEREAS, the September 11, 2001 attacks on the World Trade Center and the Pentagon have left immigrant communities of color afraid to access benefits to which they are entitled, for fear of being reported to the Immigration and Naturalization Service (INS); and

WHEREAS, the Seattle Police Department issued a Directive on June 6, 2002, providing guidelines stating, among other things, that Seattle Police officers may not request specific documents for the sole purpose of determining a person's civil immigration status, and may not initiate police action based solely on a person's civil immigration status; and

WHEREAS, all Seattle City officers and employees should be afforded analogous guidance with respect to inquiries into immigration status; and

WHEREAS, a number of other jurisdictions in the United States have enacted policies or laws recognizing that their officers and employees should properly play a limited role with respect to matters relating to immigration status; and

WHEREAS, these amendments to Seattle Municipal Code Ch. 4.18 are consistent with federal laws regarding localities' responsibilities to cooperate with federal immigration authorities; and

WHEREAS, this ordinance is not intended to interfere with the enforcement of laws.

WHEREAS, amending SMC Ch. 4.18.is an effective way to guide city officials and employees to adhere to federal law while helping to protect the safety and health of all members of our community.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 4.18.015 is added to Seattle Municipal Code Chapter 4.18, as follows:

4.18.015 Inquiries into immigration status.

(A) Notwithstanding Seattle Municipal Code Section 4.18.010, unless otherwise required by law or by court order, no Seattle City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.

(B) Seattle Police officers are exempted from the limitations imposed by Subsection (A), above, with respect to a person whom the officer has reasonable suspicion to believe: (1) has previously been deported from the United States; (2) is again present in the United States; and (3) is committing or has committed a felony criminal-law violation.

Section 2. Seattle Municipal Code Section 4.18.020 is amended as follows:

4.18.020 Mayor reports to Council.

The Mayor shall report to the City Council and the people on a yearly basis as to the actions taken and being taken in support of this chapter.

Section 3. Seattle Municipal Code Section 4.18.030 is amended as follows:

4.18.030 City Attorney enforcement duties.

Consistent with and subject to Article XIII of the City Charter and the Code of Professional Responsibility, the City Attorney is requested to defend every action brought to declare invalid any section of this chapter, and maintain actions enforcing provisions of this chapter.

Section 4. A new Section 4.18.035 is added to Seattle Municipal Code Chapter 4.18, as follows:

4.18.035. Required cooperation not prohibited.

Nothing in this Chapter shall be construed to prohibit any Seattle City officer or employee from cooperating with federal immigration authorities as required by law.

Section 5. Nothing in this chapter is intended to create or form the basis for Liability, on the part of the City, or its officers, employees, or agents.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 27th day of January, 2003, and signed by me in open session in authentication of its passage this 27th day of January, 2003.

Peter Steinbrunner

President of the City Council

Approved by me this 5 day of February, 2003.

Mayor

Filed by me this 7th day of February, 2003.

City Clerk

(SEAL)

STATE OF WASHINGTON – KING COUNTY

--ss.

155052 No. ORDINANCE IN FULL
City of Seattle,Clerk's Office

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 121063

was published on

2/20/2003

J. Stedman

Subscribed and sworn to before me on

2/20/2003

Notary public for the State of Washington,
residing in Seattle

MELISSA M. PASCUA
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
NOV 21, 2004

State of Washington, King County

City of Seattle

ORDINANCE 121063

AN ORDINANCE concerning inquiries by Seattle City officers and employees into immigration status, and activities designed to ascertain such status; and amending Seattle Municipal Code Chapter 4.18 in connection therewith.

WHEREAS, the city of Seattle is comprised of immigrants from throughout the world who contribute to Seattle's social vivacity and cultural richness; and

WHEREAS, Seattle has been a city that traditionally respects the rights of and provides equal services to all individuals, regardless of race, ethnicity, or immigration status; and

WHEREAS, the September 11, 2001 attacks on the World Trade center and the Pentagon have left immigrant communities of color afraid to access benefits to which they are entitled, for fear of being report to the Immigration and Naturalization Service (INS); and

WHEREAS, the Seattle Police Department issued a Directive on June 6, 2002, providing guidelines stating, among other things, that Seattle Police officers may not request specific documents for the sole purpose of determining a person's civil immigration status, and may not initiate police action based solely on a person's civil immigration status; and

WHEREAS, all Seattle City officers and employees should be afforded analogous guidance with respect to inquiries into immigration status; and

WHEREAS, a number of other jurisdictions in the United States have enacted policies or laws recognizing that their officers and employees should properly play a limited role with respect to matters relating to immigration status; and

WHEREAS, these amendments to Seattle Municipal Code Ch. 4.18 are consistent with federal laws regarding localities' responsibilities to cooperate with federal immigration authorities; and

WHEREAS, this ordinance is not intended to interfere with the enforcement of laws.

WHEREAS, amending SMC Ch. 4.18. is an effective way to guide city officials and employees to adhere to federal law while helping to protect the safety and health of all members of our community.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 4.18.015 is added to Seattle Municipal Code Chapter 4.18, as follows:

4.18.015 Inquiries into immigration status.

(A) Notwithstanding Seattle Municipal Code Section 4.18.010, unless otherwise required by law or by court order, no Seattle City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.

(B) Seattle Police officers are exempted from the limitations imposed by Subsection (A), above, with respect to a person whom the officer has reasonable suspicion to believe: (a) has previously been deported from the United States; (2) is again present in the United States; and (3) is committing or has committed a felony criminal-law violation.

Section 2. Seattle Municipal Code Section 4.18.020 is amended as follows:

4.18.020 Mayor reports to Council.

The Mayor shall report to the City Council and the people on a yearly basis as to the

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12/05/02
ImmigOrd12-09-02 final.doc
(Ver. 3)

ORDINANCE _____

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ACTING CITY CLERK

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Section 2. Seattle Municipal Code Section 4.18.020 is amended as follows:

4.18.020 Mayor reports to Council.

The Mayor shall report to the City Council and the people on a ((~~quarterly~~)) yearly basis ((~~, beginning thirty (30) days from November 4, 1986,~~)) as to the actions taken and being taken in support of ((~~the ordinance codified in~~)) this chapter ((~~and Initiative 30~~)).

Section 3. Seattle Municipal Code Section 4.18.030 is amended as follows:

4.18.030 City Attorney enforcement duties.

Consistent with and subject to Article XIII of the City Charter and the Code of Professional Responsibility, the City Attorney is requested to defend every action brought to declare invalid any section of ((~~Initiative 30 and the ordinance codified in~~)) this chapter, and maintain actions enforcing provisions of ((~~said Initiative 30 and~~)) this chapter.

Section 4. A new Section 4.18.035 is added to Seattle Municipal Code Chapter 4.18, as follows:

4.18.035. Required cooperation not prohibited.

ACTING CITY CLERK

Nothing in this Chapter shall be construed to prohibit any Seattle City officer or employee from cooperating with federal immigration authorities as required by law.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2002, and signed by me in open session in authentication of its passage this _____ day of _____, 2002.

_____
President _____ of the City Council

Approved by me this _____ day of _____, 2002.

_____
Mayor

Filed by me this _____ day of _____, 2002.

_____
City Clerk

(Seal)

ACTING CITY CLERK